

SEP 28 2017

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By: Maria Frances Lopez, Deputy

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18 Attorneys for Defendants  
19 CITY OF LOS ANGELES and CHARLIE BECK

20  
21 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
22 COUNTY OF LOS ANGELES, CENTRAL DISTRICT

23 JATAUN VALENTINE, et al.,

24 Plaintiffs,

25 v.

26 CITY OF LOS ANGELES, et al.,

27 Defendants.

Case No. BC 603647  
Honorable Susan Bryant-Deason,  
Judge of the Superior Court, Dept 52

28 **STIPULATION AND ~~[PROPOSED]~~  
ORDER AND STAY PENDING  
SETTLEMENT**

Trial Date: November 6, 2017  
[Complaint Filed: December 9, 2015]

1                   Plaintiffs Jataun Valentine and Francesca De La Rosa (“Plaintiffs”), and  
2 defendants City of Los Angeles (“City”) and Charlie Beck (collectively, “Defendants”), by  
3 and through their respective counsel of record (together “Parties”), hereby stipulate and  
4 agree to the following order:  
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6                   WHEREAS, on December 9, 2015, Plaintiffs filed a complaint for injunctive  
7 and declaratory relief against the Defendants in the Los Angeles County Superior Court  
8 (Case No. BC603647) (the “Litigation”);  
9

10                   WHEREAS, on June 8, 2017, the Los Angeles Superior Court ruled that  
11 LAMC 63.44(B)(14)(b) is a development under California Public Resources Code  
12 Section 30106(a), which means that, without an exemption, the Coastal Act requires that  
13 the City obtain a CDP for LAMC 63.44(B)(14)(b));  
14

15                   WHEREAS, on June 30, 2017, the Defendants filed a Petition for Writ of  
16 Mandate with the Second Appellate District (Case No. B283507) challenging the trial  
17 court’s summary adjudication ruling, which was denied summarily by the Court of Appeal  
18 on August 31, 2017;  
19

20                   WHEREAS, on August 14, 2017, the Los Angeles Superior Court denied  
21 Defendants’ Motion for Judgment on the Pleadings, and ruled that Plaintiffs’ Complaint  
22 was timely and not barred by the statute of limitations, that Plaintiffs have sufficiently  
23 alleged standing to bring their claims, that Plaintiffs’ claims are ripe, that LAMC  
24 63.44(B)(14)(b) constitutes a “development” under Public Resources Code Section 30106  
25 and is not grandfathered. The Court also held that the issue of whether LAMC  
26 63.44(B)(14)(b) is a nuisance abatement measure that is exempt under Public Resources  
27 Code Section 30005(b) is not appropriately determined in a motion for judgement on the  
28 pleadings;

1           WHEREAS, on June 30, 2017, the City Council passed a motion directing  
2 the Department of Recreation and Parks, with the assistance of the Public Works  
3 Department and the City Attorney's Office, to seek and obtain a Coastal Development  
4 Permit ("CDP") from the City of Los Angeles and the California Coastal Commission for  
5 LAMC 63.44(B)(14)(b);

6  
7           WHEREAS, on or about September 8, 2017, the City filed its local CDP  
8 application with the City Engineer (Permit No. 17-07), and a public hearing on the local  
9 CDP application is scheduled for October 5, 2017;

10  
11           WHEREAS, the trial of this Litigation is scheduled for November 6, 2017;

12  
13           WHEREAS, the parties have been engaged in settlement discussions since  
14 mid-June 2017 to resolve their disputes, to prevent further litigation, to curtail further  
15 attorney's fees, and to limit enforcement of LAMC 63.44(B)(14)(b) until the City obtains a  
16 CDP from the Coastal Commission and other governmental entities as appropriate. The  
17 parties have reached an agreement in principle, on all issues except attorney's fees.  
18 However, the agreement is subject to approval by the City Council, which the City  
19 contends will take at least 30-45 days;

20  
21           WHEREAS, the parties have agreed to stay the Litigation until December 1,  
22 2017 to allow the City to obtain the necessary approval from the City Council and to allow  
23 the parties to potentially resolve their attorney's fees issues without the need for a motion,  
24 but such agreement is conditioned on the City immediately implementing certain  
25 limitations on enforcement of LAMC 63.44(B)(14)(b);

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27  
28

1 NOW, THEREFORE, Plaintiffs and Defendants, hereby stipulate and agree  
2 as follows:

3  
4 1. The Litigation is stayed. The November 6, 2017 trial date is vacated.  
5 All dates, including all discovery cutoff dates, supplemental expert designations and  
6 discovery, motion cutoff dates, and all other pre-trial obligations and deadlines, are  
7 vacated.

8  
9 2. The terms of this Stay shall be in full force and effect until (a) the City  
10 Council approves the parties' settlement agreement and Plaintiffs dismiss the Litigation;  
11 (b) the City Council does not approve the settlement agreement; or (c) December 1, 2017,  
12 whichever is earlier. This deadline can be moved by the parties' further stipulation and  
13 court order.

14  
15 3. As a necessary condition of the parties' stipulation and agreement to  
16 this Stay, for as long as this Stay is in full force and effect, the City agrees that the City's  
17 enforcement of LAMC 63.44(B)(14)(b) shall be limited as follows:

18  
19 a. No individual shall be cited or arrested for violating LAMC  
20 63.44(B)(14)(b) unless such individual (1) is given a verbal warning by a peace officer for  
21 the City of Los Angeles, (2) is given a sufficient and reasonable time to comply with the  
22 warning, and (3) fails or refuses to comply with the warning;

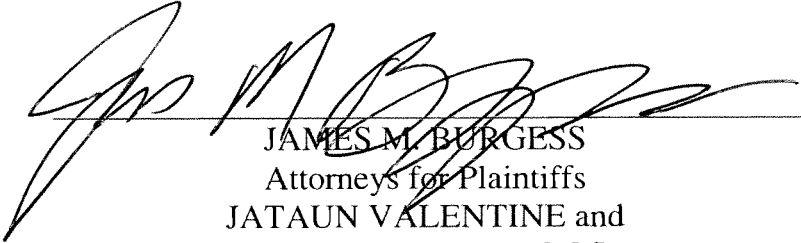
23  
24 4. During the period of the stay, the parties, through their counsel, agree  
25 to negotiate and/or mediate their disputes concerning attorney's fees in good faith. In the  
26 event the parties are unable to reach an agreement on the amount of attorney's fees by the  
27 date the settlement agreement is approved by the City Council, Plaintiffs may file a motion  
28 for attorney's fees. This Stay shall not apply to any motion for attorney's fees filed by

1 Plaintiffs pursuant to the settlement agreement nor preclude any filings or proceedings  
2 necessary to adjudicate Plaintiffs' motion for attorney's fees.

3  
4 4. A trial setting conference will be scheduled for December 6 2017, or  
5 shortly thereafter at the convenience of the Court, to select a trial date as close as possible  
6 to 90 days after the trial setting conference. Any remaining discovery issues may be  
7 addressed at the trial setting conference or at separate hearing to be scheduled by the court.  
8 If the stay is extended, this deadline will be extended concurrently.

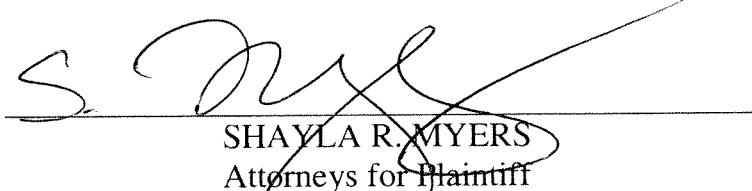
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10 DATED: September 28, 2017

11 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

12  
13 By   
14 JAMES M. BURGESS  
15 Attorneys for Plaintiffs  
16 JATAUN VALENTINE and  
17 FRANCESCA DE LA ROSA

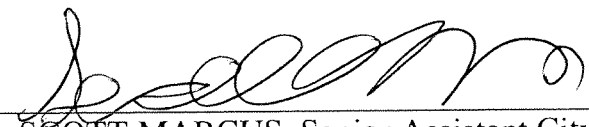
18 DATED: September 28, 2017

19 LEGAL AID FOUNDATION OF LOS ANGELES

20  
21 By   
22 SHAYLA R. MYERS  
23 Attorneys for Plaintiff  
24 JATAUN VALENTINE

25 DATED: September 28, 2017

26 LOS ANGELES CITY ATTORNEY

27  
28 By   
SCOTT MARCUS, Senior Assistant City Attorney  
Attorneys for Defendants  
CITY OF LOS ANGELES and CHARLIE BECK

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ORDER

Based on the foregoing stipulation and good cause appearing therefore:

IT IS HEREBY SO ORDERED, ADJUDGED AND DECREED  
TRIAL SETTING CONFERENCE IS SET FOR 12/06/17 at 830 AM in Dept 52

WJ

Dated: September 28, 2017

*Elizabeth Allen White*

~~Honorable Susan Bryant Deason~~  
Judge, Los Angeles Superior Court  
HON. ELIZABETH ALLEN WHITE